



COMMONWEALTH of VIRGINIA

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CHIEF OPERATING OFFICER/SECRETARY TO THE BOARD
W. CURTIS COLEBURN, III

April 21, 2006

TO: WINERIES, IMPORTERS AND WHOLESALERS

RE: LABEL APPROVAL FOR WINE, CIDER AND LOW ALCOHOL BEVERAGES

Listed below are requirements for label approval. Please submit with a cover letter listing the brand name and types of products.

1. **Copy of Federal Label Approval showing all labels affixed to container if required by Federal Government.**
2. **A complete set of original labels (including front, back and any other labels affixed to container) unattached to paper for our files.**
3. **Fee in the amount of \$30.00 for each label submitted.**
4. **Importer Designation and Authorization Forms (Attachment A & B).**
5. **Wine cannot exceed 21% alcohol by volume, Cider cannot exceed 7.0% alcohol by volume and Low Alcohol Beverages cannot exceed 7.5% alcohol by volume.**

RE: LABEL REVISIONS REQUIREMENTS

Labels must be submitted as label revisions only when label originally registered has been discontinued.

Listed below are requirements when label originally registered has been changed.

1. **A cover letter must be submitted informing this office of the label change. This letter should state "....no change in the formation of the product..". No fee for label revisions.**
2. **A copy of the Federal Label Approval for the new label showing all labels affixed to the container if required by Federal Government.**
3. **A set of original labels (including front, back and any other label affixed to the container) unattached to paper for our files.**

Listed below are changes of labeling for which updated labels are required.

- 1. Change in alcoholic content within established limits for table wine (14% & under), fortified wine (over 14% to 21%) and low alcohol (7.5% & under).**
- 2. When brand name is changed in any way.**

PLEASE NOTE: When brand name is changed as a result of new owner, with name of owner being the brand name a separate registration is required.

- 3. Change in wording of product type.**
- 4. Vintage year changes when vintage year is printed on main label.**
- 5. When appellation is changed for a previously registered wine a complete application for label approval must be submitted for the new appellation.**
- 6. Separate applications are required for Estate Bottled and Non Estate Bottled wines.**
- 7. Other changes, additions, or deletions.**

**REQUIREMENTS FOR COMBINATION PACKAGES AND GIFT PACKAGES APPROVAL.
PLEASE SUBMIT WITH A COVER LETTER LISTING ALL ITEMS CONTAINED IN THE
PACKAGE.**

- 1. All packages must be submitted for approval and registration before they can be sold to retailers.**
- 2. The package or a brochure type photograph (8-1/2 X 11) showing clearly the labels on the bottle and the outside of the package must be submitted for review.**
- 3. If the wines contained in the package are already approved for sale in Virginia, the package may be approved at no cost.**
- 4. If the wines are not approved, please see the above label approval procedure, as all wines contained in the package must have prior approval.**

IMPORTER DESIGNATION AND AUTHORIZATION

According to Section 4.1-207 of the Code of Virginia, the Board may grant Wine Importer's licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with the Board Regulations, in closed containers, to persons in the Commonwealth licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

To obtain a Virginia Wine Importers' license you may contact Mr. J. L. Cannon at the above address or (804) 213-4570.

FORM A: IMPORTER DESIGNATION AND AUTHORIZATION FORM (ATTACHMENT A)

Written authorization by the brand owner for the importer to sell and deliver or ship the individual brands into Virginia, as well as to give written authorization for the importer to establish written agreements of a definite duration on behalf of the brand owner, as its authorized representative, with each wholesale licensee to whom the importer sells any brand owned by the brand owner.

FORM B: DESIGNATION OF AUTHORIZED DISTRIBUTOR FORM (ATTACHMENT B)

A current list of all wholesale licensees recognized by the importer as the authorized representative of the brand owner to distribute such brand(s) within Virginia. Under the column "Designated Territory or Primary Area of Responsibility" you must specify the specific counties, cities, or towns designated to each distributor. A general description such as Northern or Southern Virginia is not acceptable. Only one distributor can be assigned a city, county, or town unless a highway number, the name of a river or some other distinguishing marker, divides it.

The territory or primary area of responsibility needs to be specific and cannot overlap. Attachment A and B must show the name of the brand owner in the space provided for NAME OF BRAND OWNER and not the importer, shipper, or authorized agent. The company printed on the label as the Producer and/or Bottler is whom we consider to be the brand owner if other proof of ownership is not provided (e.g.), BATF Basic Permit showing trade names, Trademark Ownership, Contract Agreement, letter from the company printed on the label as producer and/or bottler stating that the product was produced and/or bottled for company submitting application, etc. Attachment A must be signed by the brand owner OR accompanied by a letter from the brand owner authorizing the importer, shipper, distributor, applicant, etc. to be their brand agent, with authority to approve brand labels, appoint distributors, and post prices as required. On Attachment A where it states Signed by Name of Brand Owner "See Attached Letter" may be placed next to the Name of the Brand Owner and the signature on the letter of authorization will be acceptable for the brand owner's signature. Attachment A and B must have the signature of the authorized person executing form and title. On Attachment A the name of the company that holds the Virginia Wine importers' license must be listed in the space provided for NAME OF APPLICANT/LICENSEE and on Attachment B in the space provided for Name of Applicant for Importer's License/or Importer Licensee.

NOTE: Applications will not be processed until Importer Designation and Authorization Form A and Form B are completed and received by this office.

All applications for label approval, label revision, and/or combination/gift packages should be directed to the attention of Ms. Ernestine Mack, Bureau of Law Enforcement, Tax Management Section at the above address. Telephone Number (804) 213-4555.

Please visit our Web site, <http://www.abc.virginia.gov/>, Laws & Enforcement, Tax Management Reports.

ATTACHMENT A

IMPORTER DESIGNATION AND AUTHORIZATION FORM:

- I. _____ (Name of Brand Owner) is the lawful owner of the brand(s) of beer and/or wine listed in paragraph II and, as the brand owner, hereby authorizes:

Name of Applicant/Licensee _____

Street Address of Applicant/Licensee _____

City/State/Zip _____

Virginia Importer's Number _____

to sell and deliver or ship the same brands of wine and/or beer into the Commonwealth of Virginia pursuant to, and in compliance with, the relevant statutes and regulations of the Commonwealth, which govern beer or wine importer licenses.

- II. The brands which the applicant named in paragraph I is authorized to sell and deliver or ship into Virginia are as follows.

Name of Brands _____

- III. The above named applicant/licensee is hereby designated as the authorized representative of _____ (Name of Brand Owner) for the purpose of establishing written agreements, of a definite duration and within the meaning of the Beer Franchise Act, §§4.1-500, et seq., of the code of Virginia and/or the Wine Franchise act, §§4.1-400 et seq., of the Code of Virginia, with each wholesaler licensee of the Virginia Alcoholic Beverage Control Board to whom the above named importer sells any brand of beer or wine listed in paragraph II.

NOTICE TO BRAND OWNER: By completing and submitting this form, according to Virginia law, the designated Importer will be authorized to enter into agreements for territory assignments with Virginia licensed wholesalers on your behalf. All territory assignments made by your designated Importer are submitted to the Virginia Department of ABC on an Attachment B form and are binding.

- IV. Please check the appropriate statement, below:

- ☐ This is an original authorization from the undersigned brand owner for the brands identified in paragraph II.
- ☐ This is an amendment to an original authorization, adding or deleting brands, which the above named applicant or importer is authorized by the undersigned brand owner to import into Virginia.

Signed by:

Date: _____

Name of Brand Owner

Signature of Person Executing Form and Title

[Attachment B \(click to view and print in landscape\).](#)